

By: Burn

S.B. No. 57

A BILL TO BE ENTITLED

AN ACT

relating to property rights in and the establishment of a wildlife management area along and in the vicinity of the Canadian River bed; making an appropriation.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. DECLARATION OF POLICY. The closing of Sanford Dam on the Canadian River in 1965 changed the normal flow of water downstream from the dam, which has prevented, in certain areas, the effective application of the gradient method of locating river boundaries and consequently has created confusion and uncertainty as to the titles to surface and minerals in the area lying between the pre-1965 gradient boundaries of the river and the river's current normal flow. The purposes of this Act are to establish a method by which the rights and titles of the State of Texas and its permanent school fund can be recognized, protected, and stabilized and by which access by riparian owners to the flowing water in the river, as contemplated by original patents under which the riparian owners hold title, can be fairly and reasonably effected and to establish a wildlife management area along and in the vicinity of the Canadian River.

SECTION 2. SCOPE OF ACT. This Act applies only to the following segments of the Canadian River:

(1) Segment 1. That segment of the Canadian River lying between the pre-1965 gradient boundary lines which extends

1 from the intersection of the north gradient boundary line with the  
2 east line of Section 2, Block A, H&GN RR Co. Survey Roberts County  
3 upriver to such boundary's intersection with the west line of  
4 Section 13, Block 47, H&TC RR Co. Survey Hutchinson County, and  
5 from the intersection of the south gradient boundary line with the  
6 east line of Section 1, Block 46, H&TC RR Co. Survey Roberts County  
7 upriver to such boundary's intersection with the west line of  
8 Section 54, Block 46, H&TC RR Co. Survey Hutchinson County.

9 (2) Segment 2. That segment of the Canadian River  
10 lying between the pre-1965 gradient boundary lines which extends  
11 from the intersection of the north gradient boundary line with the  
12 west line of Section 13, Block 47, H&TC RR Co. Survey Hutchinson  
13 County upriver to such boundary's intersection with the west  
14 right-of-way line of Highway 136, such point having a coordinate  
15 value of  $X = 2,024,339.274$  feet;  $Y = 631,474.902$  feet, Texas State  
16 Plane Coordinate System, Lambert Projection, North Zone and the  
17 south gradient boundary which extends from the intersection of such  
18 boundary with the west line of Section 54, Block 46, H&TC RR Co.  
19 Survey Hutchinson County upriver to such boundary's intersection  
20 with the west right-of-way line of State Highway 136 in Section 69,  
21 Block 46, H&TC RR Co. Survey, Hutchinson County, Texas.

22 (3) Segment 3. A tract containing 1678.817 acres of  
23 the Canadian River bed between H&TC Blocks 46 and 47 from Sanford  
24 Dam easterly downstream to the west right-of-way line of State  
25 Highway 136 as more particularly described in the field notes of a  
26 gradient boundary survey of such tract by licensed land surveyor  
27 D. D. Shine, on file in the General Land Office.

1           SECTION 3. DEFINITIONS. In this Act:

2           (1) "Center line between the pre-1965 gradient  
3 boundary lines" means a line surveyed and marked by the General  
4 Land Office that runs the length of the segments of the Canadian  
5 River subject to this Act and is equidistant from the north and  
6 south pre-1965 gradient boundary lines of the Canadian River, the  
7 field notes of which have been approved and are on file in the  
8 General Land Office on the effective date of this Act.

9           (2) "Center line of the main channel of the normal  
10 flow of the river" means a line equidistant from the edges of the  
11 water flowing in the main channel of the normal flow of the river.

12           (3) "Commissioner" means the commissioner of the  
13 General Land Office.

14           (4) "Normal flow of the river" means the highest  
15 elevation that the flowing water of the Canadian River reaches and  
16 maintains for a sufficient length of time to be characteristic of  
17 the river in its ordinary, normal, and usual condition.

18           (5) "Pre-1965 gradient boundary lines" means those  
19 lines on the north and south sides of the Canadian River that have  
20 been surveyed and marked on the ground by General Land Office  
21 surveyors as being the probable gradient boundaries of the river as  
22 they existed before the construction of Sanford Dam, the field  
23 notes of which have been approved and are on file in the General  
24 Land Office on the effective date of this Act.

25           (6) "Qualified tract" means an area bounded on one  
26 side by a pre-1965 gradient boundary line of the Canadian River, on  
27 the opposite side by the center line of the main channel of the

1 normal flow of the river, and on the other two sides by the  
2 extensions of the east and west lines of a riparian owner's tract  
3 that abuts the gradient boundary line, except that if a final  
4 judgment to which the State of Texas is a party has established  
5 title in a riparian owner to land in Segment 2 that now is located  
6 within the pre-1965 gradient boundary lines, the landward side of  
7 the qualified tract is defined by the boundary line between the  
8 land owned by the riparian owner and the state-owned riverbed as  
9 established by the judgment and not the pre-1965 gradient boundary  
10 line.

11 (7) "Riparian owner" means a person, firm, or  
12 corporation that owns an interest in the surface estate of a tract  
13 that is a part of an original patented survey the field notes of  
14 which called for the Canadian River to be a boundary of the survey,  
15 and that now abuts one of the pre-1965 gradient boundary lines of  
16 the Canadian River or the adjudicated boundary of land in Segment 2  
17 described in Section 2 of this Act.

18 (8) "State's fully reserved mineral area" means the  
19 area extending 75 feet laterally on each side of the center line  
20 between the pre-1965 gradient boundary lines of the Canadian River.

21 SECTION 4. PREFERENTIAL RIGHT TO PURCHASE. (a) A riparian  
22 owner has a preferential right to purchase the qualified tract that  
23 abuts the owner's riparian tract.

24 (b) To exercise a preferential right granted by this  
25 section, a riparian owner must:

26 (1) not later than the 30th day after the date on  
27 which the owner receives from the General Land Office the notice

*Subdivision (2) of Subsection (c) of*

1 required by ~~Section 8(c)(2)~~ of this Act, submit to the General Land  
2 Office a contract to purchase, at the price set by the  
3 commissioner, the qualified tract that abuts the owner's riparian  
4 tract; and

5 (2) not later than the 60th day after the date on  
6 which the owner receives the notice required by *Subdivision (2) of Subsection (c) of* ~~Section 8(c)(2)~~ of  
7 this Act, pay in cash to the commissioner the contract amount.

8 (c) For the purpose of exercising a preferential right  
9 granted by this section or a subordinate preferential right granted  
10 by Section 5 of this Act, contiguous riparian tracts under common  
11 ownership and the abutting qualified tracts constitute a single  
12 riparian tract and abutting qualified tract.

13 (d) Chapter 31.159, Natural Resources Code, does not apply  
14 to a sale of land authorized by this Act.

15 SECTION 5. FORFEITURE; SUBORDINATE PREFERENTIAL RIGHTS. (a)  
16 A preferential right to purchase a qualified tract granted by  
17 Section 4 of this Act or a subordinate preferential right to  
18 purchase a qualified tract granted by this section is forfeited if  
19 not timely exercised.

20 (b) A riparian owner who has purchased a qualified tract has  
21 a subordinate preferential right to purchase any other qualified  
22 tract for which the preferential right to purchase granted by  
23 Section 4 of this Act has been forfeited. The first such riparian  
24 owner who submits a contract as required by Subsection (c) of this  
25 section has priority to purchase the qualified tract for which the  
26 contract is submitted.

27 (c) To exercise a subordinate preferential right, not

1 earlier than the date of publication of the notice required by  
2 *Subsection (c) of* Section 8 ~~(e)~~ of this Act and not later than the 30th day after the  
3 date of publication of that notice, a riparian owner who has  
4 purchased a qualified tract must submit to the General Land Office  
5 a contract to purchase, at the price set by the commissioner for  
6 the original sale or at the fair market value as established under  
7 *Subsection (a) of* Section 8 ~~(a)~~ of this Act if no price has been set, the qualified  
8 tract in which the subordinate preferential right is granted and,  
9 not later than the 60th day after the date of publication of that  
10 notice, must pay to the commissioner the contract amount in cash.

11 (d) The commissioner may adopt rules necessary to implement  
12 this section, including procedural rules governing the exercise of  
13 subordinate preferential rights and the management by the General  
14 Land Office of sales of qualified tracts under subordinate  
15 preferential rights. Rules adopted under this subsection must be  
16 impartial and fair to all parties to be governed by the rules.

17 SECTION 6. DEDICATION TO PERMANENT SCHOOL FUND: SALE  
18 REQUIRED. (a) A qualified tract for which no preferential rights  
19 granted by Sections 4 and 5 of this Act have been exercised within  
20 the required times is dedicated, on forfeiture of all such rights  
21 in that tract, to the permanent school fund and is subject to the  
22 law governing land dedicated to that fund.

23 (b) The General Land Office shall offer for sale, under  
24 Subchapter D, Chapter 32, and Subchapter C, Chapter 51, Natural  
25 Resources Code, all land dedicated to the permanent school fund  
26 under this section.

27 SECTION 7. APPLICATION TO EXERCISE PREFERENTIAL RIGHT TO

1 PURCHASE. (a) A riparian owner desiring to purchase a qualified  
2 tract by exercising a preferential right granted by Section 4 of  
3 this Act must apply to the commissioner in accordance with this Act  
4 and rules and forms adopted by the commissioner. An application  
5 must include:

6 (1) field notes describing the qualified tract;

7 (2) proof satisfactory to the commissioner in the form  
8 of a title opinion by an attorney based on abstracts of title from  
9 the sovereignty of the soil to the date of the application or in  
10 any other form acceptable to the commissioner that the applicant is  
11 a riparian owner with respect to the qualified tract for which he  
12 has applied; and

13 (3) other information the commissioner considers  
14 relevant to the application.

15 (b) An applicant must submit with the application a filing  
16 fee of \$250 to cover the cost of processing the application and  
17 other documents related to exercise of the preferential right.

18 (c) The commissioner may adopt necessary rules and forms to  
19 carry out this section.

20 SECTION 8. APPRAISAL; APPROVAL OF APPLICATION TO PURCHASE;  
21 NOTICE OF PURCHASE PROCEDURES. (a) Before a qualified tract may  
22 be sold under this Act, General Land Office appraisers must  
23 appraise all qualified tracts that may be sold under this Act to  
24 establish the fair market value of each.

25 (b) Not later than the 30th day after the date on which the  
26 General Land Office receives the notice required by Section 15 of  
27 this Act, the commissioner shall notify each known riparian owner,

1 by certified mail, return receipt requested:

2 (1) that the purchase of 95 percent of the land  
3 described by Section 14 of this Act has been made; and

4 (2) that the riparian owner must file the application  
5 required by Section 7 of this Act not later than the 30th day after  
6 the date on which the owner receives the notice required by this  
7 subsection.

8 (c) Not later than the 45th day after the date on which the  
9 General Land Office receives an application required by Section 7  
10 of this Act, the commissioner shall:

11 (1) if the commissioner finds that the application  
12 fails to meet the requirements of this Act and rules adopted under  
13 this Act, reject the application; or

14 (2) if the commissioner finds that the application  
15 meets the requirements of this Act and rules adopted under this  
16 Act:

17 (A) set the purchase price at the qualified  
18 tract's fair market value as determined by General Land Office  
19 appraisers;

20 (B) grant the application to purchase the  
21 qualified tract at that price; and

22 (C) notify the applicant that:

23 (i) the application has been granted to  
24 purchase the qualified tract at the price set by the commissioner;  
25 and

26 (ii) the applicant, not later than the  
27 30th day after the date on which the applicant receives the notice

1 required by this subsection, must submit a contract to purchase the  
2 qualified tract for the amount set by the commissioner and, not  
3 later than the 60th day after the date on which the applicant  
4 receives that notice, must pay to the commissioner the contract  
5 amount in cash.

6 (d) The commissioner shall mail written notice required by  
7 Subsections (b) and (c) of this section to a riparian owner at that  
8 owner's most recent address as listed in the property tax records  
9 of the county in which the owner's riparian tract that abuts a  
10 qualified tract is located.

11 (e) Not later than the 10th day after the date on which a  
12 preferential right granted under Section 4 of this Act is  
13 forfeited, the commissioner shall publish, in a newspaper with  
14 general circulation in the county in which the qualified tract is  
15 located, notice of the availability of and the terms, procedures,  
16 and timetable for purchase of the qualified tract under <sup>Subsection (c) of</sup> Section  
17 5(c) of this Act.

18 SECTION 9. PAYMENT OF PURCHASE PRICE; PATENT. (a) All  
19 purchase price payments shall be paid to the commissioner in Austin  
20 and deposited in the state treasury to the credit of the game,  
21 fish, and water safety fund.

22 (b) On payment of the purchase price, a patent issues as  
23 provided by Subchapter F, Chapter 51, Natural Resources Code. The  
24 patent must contain:

- 25 (1) a reservation for the benefit of the permanent  
26 school fund of all minerals in, on, and under the qualified tract;  
27 (2) a reservation for the benefit of the Canadian

1 River Municipal Water Authority of a flood easement for flood water  
2 or water released from Sanford Dam; /

3 (3) a restriction against the installation and  
4 maintenance of permanent improvements within the area covered by  
5 the patent; and

6 (4) a reservation of the right of access for  
7 exploration for and development of minerals dedicated to the  
8 permanent school fund.

9 SECTION 10. SALE CONTINGENT. A sale of land authorized by  
10 this Act may not occur unless the Parks and Wildlife Department has  
11 first purchased not less than 95 percent of the land described by  
12 Section 14 of this Act, excluding only that acreage for which there  
13 are valid title objections, if any.

14 SECTION 11. LEASING A QUALIFIED TRACT FOR MINERAL  
15 PRODUCTION. (a) Subject to a valid existing lease, the state may  
16 lease for oil, gas, or mineral exploration, development, and  
17 production, under Subchapter C, Chapter 52, or Subchapter C,  
18 Chapter 53, Natural Resources Code, any portion of a qualified  
19 tract that lies within the state's fully reserved mineral area. An  
20 owner of the qualified tract has no interest of any kind in such a  
21 lease.

22 (b) Subject to a valid existing lease, an owner of a  
23 qualified tract, as an agent of the state, may lease as provided by  
24 Subchapter F, Chapter 52, Natural Resources Code, the oil and gas  
25 under that portion of the qualified tract that is not within the  
26 state's fully reserved mineral area.

27 (c) Any minerals other than oil and gas in and under the

1 qualified tract and outside the state's fully reserved mineral area  
2 are subject to lease under Chapter 53, Natural Resources Code.

3 (d) Subsection (b) of this section may not be construed to  
4 mean that the land authorized to be sold under this Act is  
5 permanent school fund land.

6 SECTION 12. STATUS AS NAVIGABLE STREAM. Nothing in this Act  
7 affects the status of the normal flow of the Canadian River as a  
8 navigable stream under the law of this state.

9 SECTION 13. ABUTTING RIPARIAN OWNERS. The purchase of a  
10 qualified tract by one of several riparian owners of an abutting or  
11 other riparian tract inures proportionately to the other riparian  
12 owners of that abutting or other riparian tract, except to the  
13 extent that an ownership interest is in an existing oil, gas, or  
14 mineral lease on that abutting or other riparian tract. A title,  
15 right, or privilege acquired under a preferential right or  
16 subordinate preferential right granted by this Act does not pass as  
17 an after-acquired title by reason of a covenant of general  
18 warranty, a description, or other provision in a conveyance  
19 executed before the date of award under the preferential or  
20 subordinate preferential right.

21 SECTION 14. PURCHASE OF OTHER ACREAGE. (a) The land  
22 described in Subsection (b) of this section shall be used as a  
23 wildlife management area to the extent that the Parks and Wildlife  
24 Department purchases that land.

25 (b) The land to which Subsection (a) applies consists of:

26 All of the surface estate, together with all of the  
27 subterranean water and water rights in, on and under and that may

1 be produced from the following described property, SAVE AND EXCEPT  
2 that portion of the subterranean water and water rights purchased  
3 by Willard Oil & Gas, Inc. in that certain Warranty Deed dated  
4 August 28, 1986, from Mary Miles Batson, et al, to Willard Oil &  
5 Gas, Inc. and then conveyed to the City of Amarillo in that certain  
6 Warranty Deed dated August 28, 1986, from Willard Oil & Gas, Inc.  
7 to the City of Amarillo, to-wit:

8 BLOCK 22, AB&M SURVEY, POTTER COUNTY, TEXAS:

9 All of Section 9, Block 22, AB&M Survey, Potter County,  
10 Texas, containing 640 acres of land, more or less.

11 All of Section 10, Block 22, AB&M Survey, Potter County,  
12 Texas, containing 640 acres of land, more or less.

13 BLOCK 22, BS&F SURVEY, POTTER COUNTY, TEXAS:

14 All of Section 11, Block 22, BS&F Survey, Potter County,  
15 Texas, containing 640 acres of land, more or less.

16 All of Section 12, Block 22, BS&F Survey, Potter County,  
17 Texas, containing 640 acres of land, more or less.

18 BLOCK 22, EL&RR SURVEY, POTTER COUNTY, TEXAS:

19 All of that portion of Section 2, Block 22, EL&RR Survey,  
20 Potter County, Texas lying West of State Highway 136, except that  
21 portion granted as a right-of-way for State Highway 136.

22 All of that portion of Section 3, Block 22, EL&RR Survey,  
23 Potter County, Texas lying West of State Highway 136, except that  
24 portion granted as a right-of-way for State Highway 136.

25 All of that portion of Section 6, Block 22, EL&RR Survey,  
26 Potter County, Texas lying West of State Highway 136, except that  
27 portion granted as a right-of-way for State Highway 136; AND save

1 and except a tract of land containing 10.30 acres, more or less,  
2 out of Section 6, Block 22, EL&RR Survey, Potter County Texas, as  
3 described in that certain conveyance dated 30 November 1966, from  
4 Mary Miles Batson and husband, J. Ernest Batson, to American  
5 Telephone & Telegraph Company, recorded in Volume 1052, Page 80, of  
6 the Deed Records of Potter County, Texas; AND save and except a  
7 tract of land containing 1.0 acres, more or less, out of Section 6,  
8 Block 22, EL&RR Survey, Potter County, Texas, as described in that  
9 certain conveyance dated 12 October 1955, from Mary Miles Batson  
10 and husband, J. Ernest Batson, to American Telephone and Telegraph  
11 Company, recorded in Volume 717, Page 317, of the Deed Records of  
12 Potter County, Texas.

13 All of Section 7, Block 22, EL&RR Survey, Potter County,  
14 Texas, containing 640 acres of land, more or less.

15 All of Section 8, Block 22, EL&RR Survey, Potter County,  
16 Texas, containing 640 acres of land, more or less.

17 BLOCK G&M-5, G&M SURVEY, POTTER COUNTY, TEXAS:

18 All of Section 18, Block G&M-5, G&M Survey, Potter County,  
19 Texas, containing 501.4 acres of land, more or less.

20 All of Section 20, Block G&M-5, G&M Survey, Potter County,  
21 Texas, save and except a 20.48 acre tract taken by the United  
22 States of America by Judgment dated July 30, 1963, recorded in  
23 Volume 958, Page 442, Deed Records of Potter County, Texas, the  
24 remainder of said Section containing 128.72 acres of land, more or  
25 less.

26 All of Section 20-1/2, Block G&M-5, G&M Survey, Potter  
27 County, Texas, save and except a 62.50 acre tract taken by the

1 United States of America by Judgment dated July 30, 1963, recorded  
2 in Volume 958, Page 442, Deed Records of Potter County, Texas, the  
3 remainder of said Section containing 109.4 acres of land, more or  
4 less.

5 All of the N/2 of Section 22, Block G&M-5, G&M Survey, Potter  
6 County, Texas, except that portion taken by the United States of  
7 America by Judgment dated July 30, 1963, recorded in Volume 958,  
8 Page 442, of the Deed Records of Potter County, Texas, the  
9 remainder of the N/2 of said Section containing 25.35 acres of  
10 land, more or less.

11 BLOCK M-20, G&M SURVEY, POTTER COUNTY, TEXAS:

12 All of the N/2 of Section 2, Block M-20, G&M Survey, Potter  
13 County, Texas, containing 320 acres of land, more or less.

14 All of Section 3, Block M-20, G&M Survey, Potter County,  
15 Texas, containing 640 acres of land, more or less.

16 All of Section 4, Block M-20, G&M Survey, Potter County,  
17 Texas, containing 640 acres of land, more or less.

18 All of Section 5, Block M-20, G&M Survey, Potter County,  
19 Texas, containing 640 acres of land, more or less.

20 All of Section 6, Block M-20, G&M Survey, Potter County,  
21 Texas, containing 640 acres of land, more or less.

22 All of Section 7, Block M-20, G&M Survey, Potter County,  
23 Texas, containing 640 acres of land, more or less.

24 All of Section 8, Block M-20, G&M Survey, Potter County,  
25 Texas, containing 640 acres of land, more or less.

26 All of Section 9, Block M-20, G&M Survey, Potter County,  
27 Texas, containing 640 acres of land, more or less.

1 All of Section 10, Block M-20, G&M Survey, Potter County,  
2 Texas, containing 640 acres of land, more or less.

3 All of Section 11, Block M-20, G&M Survey, Potter County,  
4 Texas, containing 640 acres of land, more or less.

5 All of Section 12, Block M-20, G&M Survey, Potter County,  
6 Texas, containing 640 acres of land, more or less.

7 All of Section 13, Block M-20, G&M Survey, Potter County,  
8 Texas, containing 640 acres of land, more or less.

9 All of Section 14, Block M-20, G&M Survey, Potter County,  
10 Texas, containing 627.4 acres of land, more or less.

11 All of that portion of Section 15, Block M-20, G&M Survey,  
12 Potter County, Texas lying South of the Alibates Road and East of  
13 the McBride Canyon Road, except a tract of land described as a  
14 100.00 foot strip of land out of Sections 15, 16, 30, 34 and 37,  
15 Block M-20, G&M Survey, Potter County, Texas, and Section 101,  
16 Block 46, H&TC Survey, Potter County, Texas, as described in that  
17 certain conveyance dated 10 May 1966, from Mary Miles Batson and  
18 husband, J. Ernest Batson, to the State of Texas, recorded in  
19 Volume 1036, Page 309, of the Deed Records of Potter County, Texas.

20 All of that portion of Section 16, Block M-20, G&M Survey,  
21 Potter County, Texas lying South and East of the McBride Canyon  
22 Road/Alibates Road, except a tract of land containing 15.177 acres,  
23 more or less, out of Section 16, Block M-20, G&M Survey, Potter  
24 County, Texas, as described in that certain conveyance dated 9 May  
25 1967, from Mary Miles Batson and husband, J. Ernest Batson, to the  
26 State of Texas, recorded in Volume 1059, Page 548, of the Deed  
27 Records of Potter County, Texas; AND save and except a tract of

1 land described as a 100.00 foot strip of land out of Sections 15,  
2 16, 30, 34 and 37, Block M-20, G&M Survey, Potter County, Texas,  
3 and Section 101, Block 46, H&TC Survey, Potter County, Texas, as  
4 described in that certain conveyance dated 10 May 1966, from Mary  
5 Miles Batson and husband, J. Ernest Batson, to the State of Texas,  
6 recorded in Volume 1036, Page 309, of the Deed Records of Potter  
7 County, Texas.

8 All of Section 17, Block M-20, G&M Survey, Potter County,  
9 Texas, containing 640 acres of land, more or less.

10 All of Section 18, Block M-20, G&M Survey, Potter County,  
11 Texas, containing 640 acres of land, more or less.

12 All of Section 19, Block M-20, G&M Survey, Potter County,  
13 Texas, containing 640 acres of land, more or less.

14 All of Section 20, Block M-20, G&M Survey, Potter County,  
15 Texas, containing 640 acres of land, more or less.

16 All of Section 21, Block M-20, G&M Survey, Potter County,  
17 Texas, containing 640 acres of land, more or less.

18 All of Section 22, Block M-20, G&M Survey, Potter County,  
19 Texas, containing 640 acres of land, more or less.

20 All of Section 23, Block M-20, G&M Survey, Potter County,  
21 Texas, containing 640 acres of land, more or less.

22 All of Section 24, Block M-20, G&M Survey, Potter County,  
23 Texas, containing 636.4 acres of land, more or less.

24 All of Section 25, Block M-20, G&M Survey, Potter County,  
25 Texas, containing 636.4 acres of land, more or less.

26 All of Section 26, Block M-20, G&M Survey, Potter County,  
27 Texas, containing 640 acres of land, more or less.

1 All of that portion of Section 27, Block M-20, G&M Survey,  
2 Potter County, Texas lying West of State Highway 136, except that  
3 portion granted as a right-of-way for State Highway 136.

4 All of that portion of Section 28, Block M-20, G&M Survey,  
5 Potter County, Texas lying West of State Highway 136, except that  
6 portion granted as a right-of-way for State Highway 136.

7 All of Section 29, Block M-20, G&M Survey, Potter County,  
8 Texas, containing 640 acres of land, more or less.

9 All of that portion of Section 30, Block M-20, G&M Survey,  
10 Potter County, Texas lying South of Alibates Road, except a tract  
11 of land described as a 100.00 foot strip of land out of Sections  
12 15, 16, 30, 34 and 37, Block M-20, G&M Survey, Potter County,  
13 Texas, and Section 101, Block 46, H&TC Survey, Potter County,  
14 Texas, as described in that certain conveyance dated 10 May 1966,  
15 from Mary Miles Batson and husband, J. Ernest Batson, to the State  
16 of Texas, recorded in Volume 1036, Page 309, of the Deed Records of  
17 Potter County, Texas.

18 All of that portion of Section 31, Block M-20, G&M Survey,  
19 Potter County, Texas lying South of the Alibates Road, except a  
20 tract of land containing 2.56 acres, more or less, out of Section  
21 31, Block M-20, G&M Survey, Potter County, Texas, as described in  
22 that certain conveyance dated 24 September 1969, from Mary Miles  
23 Batson and husband, J. Ernest Batson and Joseph E. Batson, Jr. to  
24 the United States of America, recorded in Volume 1116, Page 478, of  
25 the Deed Records of Potter County, Texas.

26 All of that portion of Section 34, Block M-20, G&M Survey,  
27 Potter County, Texas lying South of Alibates Road, except a tract

1 of land described as a 100.00 foot strip of land out of Sections  
2 15, 16, 30, 34 and 37, Block M-20, G&M Survey, Potter County,  
3 Texas, and Section 101, Block 46, H&TC Survey, Potter County,  
4 Texas, as described in that certain conveyance dated 10 May 1966,  
5 from Mary Miles Batson and husband, J. Ernest Batson, to the State  
6 of Texas, recorded in Volume 1036, Page 309, of the Deed Records of  
7 Potter County, Texas.

8 All of Section 35, Block M-20, G&M Survey, Potter County,  
9 Texas, containing 640 acres of land, more or less.

10 All of that portion of Section 36, Block M-20, G&M Survey,  
11 Potter County, Texas lying West of State Highway 136, except that  
12 portion granted as a right-of-way for State Highway 136; AND also  
13 save and except a tract of land containing 8.034 acres, more or  
14 less, out of Sections 36 and 37, Block M-20, G&M Survey, Potter  
15 County, Texas, as described in that certain conveyance dated 23  
16 September 1952, from Mary Miles Batson and husband, J. Ernest  
17 Batson, to West Texas Gas Company, recorded in Volume 605, Page  
18 133, of the Deed Records of Potter County, Texas; AND a tract of  
19 land containing 4.3 acres, more or less, out of Section 36, Block  
20 M-20, G&M Survey, Potter County, Texas, as described in that  
21 certain conveyance dated 15 August 1938 from Mary Miles Batson and  
22 husband, J. Ernest Batson, to Pioneer Natural Gas Company, recorded  
23 in Volume 854, Page 229, of the Deed Records of Potter County,  
24 Texas; AND two tracts of land containing 2.0 acres, more or less,  
25 and 3.7 acres, more or less, out of Section 36, Block M-20, G&M  
26 Survey, Potter County, Texas, as described in that certain  
27 conveyance dated 22 July 1939, from Julian L. Bivins to West Texas

1 Gas Company, recorded in Volume 290, Page 446, of the Deed Records  
2 of Potter County, Texas; AND save and except a tract of land  
3 described as being 100 feet wide and 10,047.1 feet long as  
4 described in that certain conveyance dated 29 December 1928, from  
5 Lee Bivins to Potter County, State of Texas, recorded in Volume  
6 203, Page 73, of the Deed Records of Potter County, Texas.

7 All of that portion of Section 37, Block M-20, G&M Survey,  
8 Potter County, Texas lying South of the Alibates Road and West of  
9 State Highway 136, except a tract of land, containing 8.034 acres,  
10 more or less, out of Sections 36 and 37, Block M-20, G&M Survey,  
11 Potter County, Texas, as described in that certain conveyance dated  
12 23 September 1952, from Mary Miles Batson and husband, J. Ernest  
13 Batson, to West Texas Gas Company, recorded in Volume 605, Page  
14 133, of the Deed Records of Potter County, Texas; AND save and  
15 except a tract of land described as a 100.00 foot strip of land out  
16 of Sections 15, 16, 30, 34 and 37, Block M-20, G&M Survey, Potter  
17 County, Texas, and Section 101, Block 46, H&TC Survey, Potter  
18 County, Texas, as described in that certain conveyance dated 10 May  
19 1966, from Mary Miles Batson and husband, J. Ernest Batson, to the  
20 State of Texas, recorded in Volume 1036, Page 309, of the Deed  
21 Records of Potter County, Texas.

22 BLOCK 46, H&TC SURVEY, POTTER COUNTY, TEXAS:

23 All of that portion of Section 103, Block 46, H&TC Survey,  
24 Potter County, Texas lying South of the McBride Canyon Road, except  
25 a tract of land containing 10.1271 acres, more or less, out of  
26 Section 103, Block 46, H&TC Survey, Potter County, Texas, as  
27 described in that certain conveyance dated 9 May 1967, from Mary

1 Miles Batson and husband, J. Ernest Batson, to the State of Texas,  
2 recorded in Volume 1059, Page 548, of the Deed Records of Potter  
3 County, Texas.

4 All of Section 105, Block 46, H&TC Survey, Potter County,  
5 Texas, save and except a 620.35 acre tract taken by the United  
6 States of America on July 30, 1963, by Judgment recorded in Volume  
7 958, Page 442, Deed Records of Potter County, Texas, the remainder  
8 of said Section containing 28.87 acres of land, more or less.

9 All of Section 106, Block 46, H&TC Survey, Potter County,  
10 Texas, except the tract of land taken by the United States of  
11 America by Judgment dated July 30, 1963, recorded in Volume 958,  
12 Page 442, Deed Records of Potter County, Texas, the remainder of  
13 said Section containing 111.99 acres of land, more or less.

14 All of Section 107, Block 46, H&TC Survey, Potter County,  
15 Texas, save and except a 586.58 acre tract taken by the United  
16 States of America on July 30, 1963, by Judgment recorded in Volume  
17 958, Page 442, Deed Records of Potter County, Texas, the remainder  
18 of said Section containing 53.42 acres of land, more or less.

19 All of Section 108, Block 46, H&TC Survey, Potter County,  
20 Texas, except a 606.96 acre tract of land taken by the United  
21 States of America by Judgment dated July 30, 1963, recorded in  
22 Volume 958, Page 442, Deed Records of Potter County, Texas, the  
23 remainder of said Section containing 33.04 acres of land, more or  
24 less.

25 J. L. SUMMERS SURVEY, POTTER COUNTY, TEXAS:

26 All of that portion of Section 1, of the J. L. Summers  
27 Survey, in Potter County, Texas lying West of State Highway 136,

1 except that portion granted as a right-of-way for State Highway  
2 136.

3 BLOCK 1, SK&K SURVEY, POTTER COUNTY, TEXAS:

4 All of Section 22, Block 1, SK&K Survey, Potter County,  
5 Texas, containing 643.9 acres of land, more or less.

6 All of Section 23, Block 1, SK&K Survey, Potter County,  
7 Texas, containing 640 acres of land, more or less.

8 W. P. HILL SURVEY, POTTER COUNTY, TEXAS:

9 All of that portion of Section 5, W.P. Hill Survey, Potter  
10 County, Texas lying South of the McBride Canyon Road, except a  
11 tract of land out of the W. P. Hill Survey, Potter County, Texas,  
12 as described in that certain conveyance dated 9 May 1967, from Mary  
13 Miles Batson and husband, J. Ernest Batson, to the State of Texas,  
14 recorded in Volume 1059, Page 548, of the Deed Records of Potter  
15 County, Texas.

16 (c) The Parks and Wildlife Department may not purchase the  
17 land described in Subsection (b) of this section for more than an  
18 amount set by the Parks and Wildlife Commission, not to exceed the  
19 appraised value of the land as established by a member of the  
20 Appraisal Institute or an appraiser with comparable professional  
21 qualifications.

22 (d) The Parks and Wildlife Department shall pay for the land  
23 out of the game, fish, and water safety fund on approval of title  
24 by the attorney general.

25 SECTION 15. NOTICE OF PURCHASE. (a) The Parks and Wildlife  
26 Department shall notify the General Land Office when the department  
27 has purchased 95 percent of the land described by Section 14 of

1 this Act.

2 (b) The Parks and Wildlife Department shall publish in the  
3 Texas Register, not later than the 30th day after the purchase of  
4 95 percent of the land described by Section 14 of this Act has been  
5 made, notice of that purchase.

6 SECTION 16. APPROPRIATION. An amount not to exceed the  
7 appraised value of the land described by Section 14 of this Act is  
8 appropriated from the balance of the game, fish, and water safety  
9 fund not otherwise appropriated to the Parks and Wildlife  
10 Department for the biennium ending August 31, 1991, for the sole  
11 purchase of that land. The appropriation made by this section  
12 expires August 31, 1991.

13 SECTION 17. AMENDMENT. Chapter 82, Parks and Wildlife Code,  
14 is amended by adding Subchapter P to read as follows:

15 SUBCHAPTER P. ALIBATES RANCH WILDLIFE MANAGEMENT AREA

16 Sec. 82.791. ESTABLISHMENT. The Alibates Ranch Wildlife  
17 Management Area is established under the jurisdiction of the  
18 department on that land located along and in the vicinity of the  
19 Canadian River in Potter County authorized to be purchased and more  
20 specifically described in S.B. No. 57 or H.B. No. \_\_, Acts of the  
21 71st Legislature, 3rd Called Session, 1990.

22 Sec. 82.792. DISPOSITION OF PROCEEDS OF SAND AND GRAVEL SALE  
23 AND GRAZING LEASES. (a) If sand and gravel are sold from the  
24 Alibates Ranch Wildlife Management Area, proceeds or royalty  
25 payments from the sale shall be deposited in the game, fish, and  
26 water safety fund.

27 (b) If grazing rights are leased on the Alibates Ranch

1 Wildlife Management Area under Section 12.008 of this code,  
2 proceeds from the lease shall be used to improve that wildlife  
3 management area.

4 SECTION 18. EFFECTIVE DATE. (a) Except as provided by  
5 Subsection (b) of this section, this Act takes effect on July 1,  
6 1990.

7 (b) Section 17 of this Act takes effect on the date of  
8 publication in the Texas Register that 95 percent of the property  
9 described in Section 14 of this Act has been purchased.

10 SECTION 19. EMERGENCY. The importance of this legislation  
11 and the crowded condition of the calendars in both houses create an  
12 emergency and an imperative public necessity that the  
13 constitutional rule requiring bills to be read on three several  
14 days in each house be suspended, and this rule is hereby suspended.

**LEGISLATIVE BUDGET BOARD**

Austin, Texas

**FISCAL NOTE**

March 21, 1990

TO: Honorable H. Tati Santiesteban,  
Chairman  
Committee on Natural Resources  
Senate Chamber  
Austin, Texas

IN RE: Senate Bill No. 57,  
as amended  
Third Called Session  
By: Bivins

FROM: Jim Oliver, Director

In response to your request for a Fiscal Note on Senate Bill No. 57, as amended, Third Called Session (relating to property rights in, and the establishment of a wildlife management area along and in the vicinity of, the Canadian River bed; making an appropriation) this office has determined the following:

The bill would appropriate to the Parks and Wildlife Department out of the Game, Fish, and Water Safety Fund No. 009 for the biennium ending August 31, 1991 an amount not to exceed the appraised value of the land authorized to be purchased by the bill. This amount is estimated to be \$4.5 million. The bill would authorize the purchase of the land and the establishment of a recreational and wildlife management area to be known as the Alibates Ranch Wildlife Management Area.

Certain riparian land-owners on the Canadian River in Potter and Carson Counties would have a preferential right to purchase a qualified tract that abuts the owner's riparian tract. It has been estimated that \$1.5 million would be deposited to the Game, Fish, and Water Safety Fund from the sale of such land. The General Land Office would appraise qualified tracts of land to determine the fair market value of each.

The bill also provides for the deposit of proceeds from sand and gravel sales from the Alibates Ranch Wildlife Management Area to the Game, Fish, and Water Safety Fund. Revenue from these sales is estimated to be \$100,000 per year.

The Parks and Wildlife Department anticipates some additional costs for maintenance or oversight of the land but these costs cannot be determined.

The fiscal implications to units of local government cannot be determined.

Source: Parks and Wildlife Department;  
LBB Staff: JO, JWH, AL, JG, PA

**LEGISLATIVE BUDGET BOARD**  
Austin, Texas

**FISCAL NOTE**

March 20, 1990

TO: Honorable H. Tati Santiesteban,  
Chairman  
Committee on Natural Resources  
Senate Chamber  
Austin, Texas

IN RE: Senate Bill No. 57,  
Third Called Session  
By: Bivins

FROM: Jim Oliver, Director

In response to your request for a Fiscal Note on Senate Bill No. 57, Third Called Session (relating to property rights in, and the establishment of a wildlife management area along and in the vicinity of, the Canadian River bed; making an appropriation) this office has determined the following:

The bill would appropriate to the Parks and Wildlife Department out of the Game, Fish, and Water Safety Fund No. 009 for the biennium ending August 31, 1991 an amount not to exceed the appraised value of the land authorized to be purchased by the bill. This amount is estimated to be \$4.5 million. The bill would authorize the purchase of the land and the establishment of a recreational and wildlife management area to be known as the Alibates Ranch Wildlife Management Area.

Certain riparian land-owners on the Canadian River in Potter and Carson Counties would have a preferential right to purchase a qualified tract that abuts the owner's riparian tract. It has been estimated that \$1.5 million would be deposited to the Game, Fish, and Water Safety Fund from the sale of such land. The General Land Office would appraise qualified tracts of land to determine the fair market value of each.

The bill also provides for the deposit of proceeds from sand and gravel sales from the Alibates Ranch Wildlife Management Area to the Game, Fish, and Water Safety Fund. Revenue from these sales is estimated to be \$100,000 per year.

The Parks and Wildlife Department anticipates some additional costs for maintenance or oversight of the land but these costs cannot be determined.

The fiscal implications to units of local government cannot be determined.

Source: Parks and Wildlife Department;  
LBB Staff: JO, JWH, AL, JG, LV

1 By: Bivins S.B. No. 57  
2 (In the Senate - Filed March 15, 1990; March 15, 1990, read  
3 first time and referred to Committee on Natural Resources;  
4 March 21, 1990, reported favorably, as amended, by the following  
5 vote: Yeas 7, Nays 1; March 21, 1990, sent to printer.)

6 COMMITTEE VOTE

	Yea	Nay	PNV	Absent
7 Santiesteban	x			
8 Lyon		x		
9 Armbrister	x			
10 Bivins	x			
11 Brown	x			
12 Carriker			x	
13 Montford			x	
14 Ratliff	x			
15 Sims	x			
16 Uribe				x
17 Zaffirini	x			

19 COMMITTEE AMENDMENT NO. 1

By: Bivins

20 Amend Senate Bill No. 57, on page 4, line 63, by striking  
21 "issues" and substituting "shall issue".

22 COMMITTEE AMENDMENT NO. 2

By: Bivins

23 Amend Senate Bill No. 57 as follows:

24 (1) On page 5, line 13, strike "Subject to" and substitute  
25 "In the absence of".

26 (2) On page 5, line 20, strike "Subject to" and substitute  
27 "In the absence of".

28 A BILL TO BE ENTITLED  
29 AN ACT

30 relating to property rights in and the establishment of a wildlife  
31 management area along and in the vicinity of the Canadian River  
32 bed; making an appropriation.

33 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

34 SECTION 1. DECLARATION OF POLICY. The closing of Sanford  
35 Dam on the Canadian River in 1965 changed the normal flow of water  
36 downstream from the dam, which has prevented, in certain areas, the  
37 effective application of the gradient method of locating river  
38 boundaries and consequently has created confusion and uncertainty  
39 as to the titles to surface and minerals in the area lying between  
40 the pre-1965 gradient boundaries of the river and the river's  
41 current normal flow. The purposes of this Act are to establish a  
42 method by which the rights and titles of the State of Texas and its  
43 permanent school fund can be recognized, protected, and stabilized  
44 and by which access by riparian owners to the flowing water in the  
45 river, as contemplated by original patents under which the riparian  
46 owners hold title, can be fairly and reasonably effected and to  
47 establish a wildlife management area along and in the vicinity of  
48 the Canadian River.

49 SECTION 2. SCOPE OF ACT. This Act applies only to the  
50 following segments of the Canadian River:

51 (1) Segment 1. That segment of the Canadian River  
52 lying between the pre-1965 gradient boundary lines which extends  
53 from the intersection of the north gradient boundary line with the  
54 east line of Section 2, Block A, H&GN RR Co. Survey Roberts County  
55 upriver to such boundary's intersection with the west line of  
56 Section 13, Block 47, H&TC RR Co. Survey Hutchinson County, and  
57 from the intersection of the south gradient boundary line with the  
58 east line of Section 1, Block 46, H&TC RR Co. Survey Roberts County  
59 upriver to such boundary's intersection with the west line of  
60 Section 54, Block 46, H&TC RR Co. Survey Hutchinson County.

61 (2) Segment 2. That segment of the Canadian River  
62 lying between the pre-1965 gradient boundary lines which extends

from the intersection of the north gradient boundary line with the west line of Section 13, Block 47, H&TC RR Co. Survey Hutchinson County upriver to such boundary's intersection with the west right-of-way line of Highway 136, such point having a coordinate value of X = 2,024,339.274 feet; Y = 631,474.902 feet, Texas State Plane Coordinate System, Lambert Projection, North Zone and the south gradient boundary which extends from the intersection of such boundary with the west line of Section 54, Block 46, H&TC RR Co. Survey Hutchinson County upriver to such boundary's intersection with the west right-of-way line of State Highway 136 in Section 69, Block 46, H&TC RR Co. Survey, Hutchinson County, Texas.

(3) Segment 3. A tract containing 1678.817 acres of the Canadian River bed between H&TC Blocks 46 and 47 from Sanford Dam easterly downstream to the west right-of-way line of State Highway 136 as more particularly described in the field notes of a gradient boundary survey of such tract by licensed land surveyor D. D. Shine, on file in the General Land Office.

### SECTION 3. DEFINITIONS. In this Act:

(1) "Center line between the pre-1965 gradient boundary lines" means a line surveyed and marked by the General Land Office that runs the length of the segments of the Canadian River subject to this Act and is equidistant from the north and south pre-1965 gradient boundary lines of the Canadian River, the field notes of which have been approved and are on file in the General Land Office on the effective date of this Act.

(2) "Center line of the main channel of the normal flow of the river" means a line equidistant from the edges of the water flowing in the main channel of the normal flow of the river.

(3) "Commissioner" means the commissioner of the General Land Office.

(4) "Normal flow of the river" means the highest elevation that the flowing water of the Canadian River reaches and maintains for a sufficient length of time to be characteristic of the river in its ordinary, normal, and usual condition.

(5) "Pre-1965 gradient boundary lines" means those lines on the north and south sides of the Canadian River that have been surveyed and marked on the ground by General Land Office surveyors as being the probable gradient boundaries of the river as they existed before the construction of Sanford Dam, the field notes of which have been approved and are on file in the General Land Office on the effective date of this Act.

(6) "Qualified tract" means an area bounded on one side by a pre-1965 gradient boundary line of the Canadian River, on the opposite side by the center line of the main channel of the normal flow of the river, and on the other two sides by the extensions of the east and west lines of a riparian owner's tract that abuts the gradient boundary line, except that if a final judgment to which the State of Texas is a party has established title in a riparian owner to land in Segment 2 that now is located within the pre-1965 gradient boundary lines, the landward side of the qualified tract is defined by the boundary line between the land owned by the riparian owner and the state-owned riverbed as established by the judgment and not the pre-1965 gradient boundary line.

(7) "Riparian owner" means a person, firm, or corporation that owns an interest in the surface estate of a tract that is a part of an original patented survey the field notes of which called for the Canadian River to be a boundary of the survey, and that now abuts one of the pre-1965 gradient boundary lines of the Canadian River or the adjudicated boundary of land in Segment 2 described in Section 2 of this Act.

(8) "State's fully reserved mineral area" means the area extending 75 feet laterally on each side of the center line between the pre-1965 gradient boundary lines of the Canadian River.

SECTION 4. PREFERENTIAL RIGHT TO PURCHASE. (a) A riparian owner has a preferential right to purchase the qualified tract that abuts the owner's riparian tract.

(b) To exercise a preferential right granted by this section, a riparian owner must:

(1) not later than the 30th day after the date on

1 which the owner receives from the General Land Office the notice  
 2 required by Subdivision (2) of Subsection (c) of Section 8 of this  
 3 Act, submit to the General Land Office a contract to purchase, at  
 4 the price set by the commissioner, the qualified tract that abuts  
 5 the owner's riparian tract; and

6 (2) not later than the 60th day after the date on  
 7 which the owner receives the notice required by Subdivision (2) of  
 8 Subsection (c) of Section 8 of this Act, pay in cash to the  
 9 commissioner the contract amount.

10 (c) For the purpose of exercising a preferential right  
 11 granted by this section or a subordinate preferential right granted  
 12 by Section 5 of this Act, contiguous riparian tracts under common  
 13 ownership and the abutting qualified tracts constitute a single  
 14 riparian tract and abutting qualified tract.

15 (d) Chapter 31.159, Natural Resources Code, does not apply  
 16 to a sale of land authorized by this Act.

#### 17 SECTION 5. FORFEITURE; SUBORDINATE PREFERENTIAL RIGHTS.

18 (a) A preferential right to purchase a qualified tract granted by  
 19 Section 4 of this Act or a subordinate preferential right to  
 20 purchase a qualified tract granted by this section is forfeited if  
 21 not timely exercised.

22 (b) A riparian owner who has purchased a qualified tract has  
 23 a subordinate preferential right to purchase any other qualified  
 24 tract for which the preferential right to purchase granted by  
 25 Section 4 of this Act has been forfeited. The first such riparian  
 26 owner who submits a contract as required by Subsection (c) of this  
 27 section has priority to purchase the qualified tract for which the  
 28 contract is submitted.

29 (c) To exercise a subordinate preferential right, not  
 30 earlier than the date of publication of the notice required by  
 31 Subsection (e) of Section 8 of this Act and not later than the 30th  
 32 day after the date of publication of that notice, a riparian owner  
 33 who has purchased a qualified tract must submit to the General Land  
 34 Office a contract to purchase, at the price set by the commissioner  
 35 for the original sale or at the fair market value as established  
 36 under Subsection (a) of Section 8 of this Act if no price has been  
 37 set, the qualified tract in which the subordinate preferential  
 38 right is granted and, not later than the 60th day after the date of  
 39 publication of that notice, must pay to the commissioner the  
 40 contract amount in cash.

41 (d) The commissioner may adopt rules necessary to implement  
 42 this section, including procedural rules governing the exercise of  
 43 subordinate preferential rights and the management by the General  
 44 Land Office of sales of qualified tracts under subordinate  
 45 preferential rights. Rules adopted under this subsection must be  
 46 impartial and fair to all parties to be governed by the rules.

47 SECTION 6. DEDICATION TO PERMANENT SCHOOL FUND: SALE  
 48 REQUIRED. (a) A qualified tract for which no preferential rights  
 49 granted by Sections 4 and 5 of this Act have been exercised within  
 50 the required times is dedicated, on forfeiture of all such rights  
 51 in that tract, to the permanent school fund and is subject to the  
 52 law governing land dedicated to that fund.

53 (b) The General Land Office shall offer for sale, under  
 54 Subchapter D, Chapter 32, and Subchapter C, Chapter 51, Natural  
 55 Resources Code, all land dedicated to the permanent school fund  
 56 under this section.

57 SECTION 7. APPLICATION TO EXERCISE PREFERENTIAL RIGHT TO  
 58 PURCHASE. (a) A riparian owner desiring to purchase a qualified  
 59 tract by exercising a preferential right granted by Section 4 of  
 60 this Act must apply to the commissioner in accordance with this Act  
 61 and rules and forms adopted by the commissioner. An application  
 62 must include:

63 (1) field notes describing the qualified tract;  
 64 (2) proof satisfactory to the commissioner in the form  
 65 of a title opinion by an attorney based on abstracts of title from  
 66 the sovereignty of the soil to the date of the application or in  
 67 any other form acceptable to the commissioner that the applicant is  
 68 a riparian owner with respect to the qualified tract for which he  
 69 has applied; and

70 (3) other information the commissioner considers

relevant to the application.

(b) An applicant must submit with the application a filing fee of \$250 to cover the cost of processing the application and other documents related to exercise of the preferential right.

(c) The commissioner may adopt necessary rules and forms to carry out this section.

SECTION 8. APPRAISAL; APPROVAL OF APPLICATION TO PURCHASE; NOTICE OF PURCHASE PROCEDURES. (a) Before a qualified tract may be sold under this Act, General Land Office appraisers must appraise all qualified tracts that may be sold under this Act to establish the fair market value of each.

(b) Not later than the 30th day after the date on which the General Land Office receives the notice required by Section 15 of this Act, the commissioner shall notify each known riparian owner, by certified mail, return receipt requested:

(1) that the purchase of 95 percent of the land described by Section 14 of this Act has been made; and

(2) that the riparian owner must file the application required by Section 7 of this Act not later than the 30th day after the date on which the owner receives the notice required by this subsection.

(c) Not later than the 45th day after the date on which the General Land Office receives an application required by Section 7 of this Act, the commissioner shall:

(1) if the commissioner finds that the application fails to meet the requirements of this Act and rules adopted under this Act, reject the application; or

(2) if the commissioner finds that the application meets the requirements of this Act and rules adopted under this Act:

(A) set the purchase price at the qualified tract's fair market value as determined by General Land Office appraisers;

(B) grant the application to purchase the qualified tract at that price; and

(C) notify the applicant that:

(i) the application has been granted to purchase the qualified tract at the price set by the commissioner; and

(ii) the applicant, not later than the 30th day after the date on which the applicant receives the notice required by this subsection, must submit a contract to purchase the qualified tract for the amount set by the commissioner and, not later than the 60th day after the date on which the applicant receives that notice, must pay to the commissioner the contract amount in cash.

(d) The commissioner shall mail written notice required by Subsections (b) and (c) of this section to a riparian owner at that owner's most recent address as listed in the property tax records of the county in which the owner's riparian tract that abuts a qualified tract is located.

(e) Not later than the 10th day after the date on which a preferential right granted under Section 4 of this Act is forfeited, the commissioner shall publish, in a newspaper with general circulation in the county in which the qualified tract is located, notice of the availability of and the terms, procedures, and timetable for purchase of the qualified tract under Subsection (c) of Section 5 of this Act.

SECTION 9. PAYMENT OF PURCHASE PRICE; PATENT. (a) All purchase price payments shall be paid to the commissioner in Austin and deposited in the state treasury to the credit of the game, fish, and water safety fund.

(b) On payment of the purchase price, a patent issues as provided by Subchapter F, Chapter 51, Natural Resources Code. The patent must contain:

(1) a reservation for the benefit of the permanent school fund of all minerals in, on, and under the qualified tract;

(2) a reservation for the benefit of the Canadian River Municipal Water Authority of a flood easement for flood water or water released from Sanford Dam;

(3) a restriction against the installation and maintenance of permanent improvements within the area covered by the patent; and

(4) a reservation of the right of access for exploration for and development of minerals dedicated to the permanent school fund.

SECTION 10. SALE CONTINGENT. A sale of land authorized by this Act may not occur unless the Parks and Wildlife Department has first purchased not less than 95 percent of the land described by Section 14 of this Act, excluding only that acreage for which there are valid title objections, if any.

SECTION 11. LEASING A QUALIFIED TRACT FOR MINERAL PRODUCTION. (a) Subject to a valid existing lease, the state may lease for oil, gas, or mineral exploration, development, and production, under Subchapter C, Chapter 52, or Subchapter C, Chapter 53, Natural Resources Code, any portion of a qualified tract that lies within the state's fully reserved mineral area. An owner of the qualified tract has no interest of any kind in such a lease.

(b) Subject to a valid existing lease, an owner of a qualified tract, as an agent of the state, may lease as provided by Subchapter F, Chapter 52, Natural Resources Code, the oil and gas under that portion of the qualified tract that is not within the state's fully reserved mineral area.

(c) Any minerals other than oil and gas in and under the qualified tract and outside the state's fully reserved mineral area are subject to lease under Chapter 53, Natural Resources Code.

(d) Subsection (b) of this section may not be construed to mean that the land authorized to be sold under this Act is permanent school fund land.

SECTION 12. STATUS AS NAVIGABLE STREAM. Nothing in this Act affects the status of the normal flow of the Canadian River as a navigable stream under the law of this state.

SECTION 13. ABUTTING RIPARIAN OWNERS. The purchase of a qualified tract by one of several riparian owners of an abutting or other riparian tract inures proportionately to the other riparian owners of that abutting or other riparian tract, except to the extent that an ownership interest is in an existing oil, gas, or mineral lease on that abutting or other riparian tract. A title, right, or privilege acquired under a preferential right or subordinate preferential right granted by this Act does not pass as an after-acquired title by reason of a covenant of general warranty, a description, or other provision in a conveyance executed before the date of award under the preferential or subordinate preferential right.

SECTION 14. PURCHASE OF OTHER ACREAGE. (a) The land described in Subsection (b) of this section shall be used as a wildlife management area to the extent that the Parks and Wildlife Department purchases that land.

(b) The land to which Subsection (a) applies consists of:

All of the surface estate, together with all of the subterranean water and water rights in, on and under and that may be produced from the following described property, SAVE AND EXCEPT that portion of the subterranean water and water rights purchased by Willard Oil & Gas, Inc. in that certain Warranty Deed dated August 28, 1986, from Mary Miles Batson, et al, to Willard Oil & Gas, Inc. and then conveyed to the City of Amarillo in that certain Warranty Deed dated August 28, 1986, from Willard Oil & Gas, Inc. to the City of Amarillo, to-wit:

BLOCK 22, AB&M SURVEY, POTTER COUNTY, TEXAS:

All of Section 9, Block 22, AB&M Survey, Potter County, Texas, containing 640 acres of land, more or less.

All of Section 10, Block 22, AB&M Survey, Potter County, Texas, containing 640 acres of land, more or less.

BLOCK 22, BS&F SURVEY, POTTER COUNTY, TEXAS:

All of Section 11, Block 22, BS&F Survey, Potter County, Texas, containing 640 acres of land, more or less.

All of Section 12, Block 22, BS&F Survey, Potter County, Texas, containing 640 acres of land, more or less.

BLOCK 22, EL&RR SURVEY, POTTER COUNTY, TEXAS:

1 All of that portion of Section 2, Block 22, EL&RR Survey,  
2 Potter County, Texas lying West of State Highway 136, except that  
3 portion granted as a right-of-way for State Highway 136.

4 All of that portion of Section 3, Block 22, EL&RR Survey,  
5 Potter County, Texas lying West of State Highway 136, except that  
6 portion granted as a right-of-way for State Highway 136.

7 All of that portion of Section 6, Block 22, EL&RR Survey,  
8 Potter County, Texas lying West of State Highway 136, except that  
9 portion granted as a right-of-way for State Highway 136; AND save  
10 and except a tract of land containing 10.30 acres, more or less,  
11 out of Section 6, Block 22, EL&RR Survey, Potter County Texas, as  
12 described in that certain conveyance dated 30 November 1966, from  
13 Mary Miles Batson and husband, J. Ernest Batson, to American  
14 Telephone & Telegraph Company, recorded in Volume 1052, Page 80, of  
15 the Deed Records of Potter County, Texas; AND save and except a  
16 tract of land containing 1.0 acres, more or less, out of Section 6,  
17 Block 22, EL&RR Survey, Potter County, Texas, as described in that  
18 certain conveyance dated 12 October 1955, from Mary Miles Batson  
19 and husband, J. Ernest Batson, to American Telephone and Telegraph  
20 Company, recorded in Volume 717, Page 317, of the Deed Records of  
21 Potter County, Texas.

22 All of Section 7, Block 22, EL&RR Survey, Potter County,  
23 Texas, containing 640 acres of land, more or less.

24 All of Section 8, Block 22, EL&RR Survey, Potter County,  
25 Texas, containing 640 acres of land, more or less.

26 BLOCK G&M-5, G&M SURVEY, POTTER COUNTY, TEXAS:

27 All of Section 18, Block G&M-5, G&M Survey, Potter County,  
28 Texas, containing 501.4 acres of land, more or less.

29 All of Section 20, Block G&M-5, G&M Survey, Potter County,  
30 Texas, save and except a 20.48 acre tract taken by the United  
31 States of America by Judgment dated July 30, 1963, recorded in  
32 Volume 958, Page 442, Deed Records of Potter County, Texas, the  
33 remainder of said Section containing 128.72 acres of land, more or  
34 less.

35 All of Section 20-1/2, Block G&M-5, G&M Survey, Potter  
36 County, Texas, save and except a 62.50 acre tract taken by the  
37 United States of America by Judgment dated July 30, 1963, recorded  
38 in Volume 958, Page 442, Deed Records of Potter County, Texas, the  
39 remainder of said Section containing 109.4 acres of land, more or  
40 less.

41 All of the N/2 of Section 22, Block G&M-5, G&M Survey, Potter  
42 County, Texas, except that portion taken by the United States of  
43 America by Judgment dated July 30, 1963, recorded in Volume 958,  
44 Page 442, of the Deed Records of Potter County, Texas, the  
45 remainder of the N/2 of said Section containing 25.35 acres of  
46 land, more or less.

47 BLOCK M-20, G&M SURVEY, POTTER COUNTY, TEXAS:

48 All of the N/2 of Section 2, Block M-20, G&M Survey, Potter  
49 County, Texas, containing 320 acres of land, more or less.

50 All of Section 3, Block M-20, G&M Survey, Potter County,  
51 Texas, containing 640 acres of land, more or less.

52 All of Section 4, Block M-20, G&M Survey, Potter County,  
53 Texas, containing 640 acres of land, more or less.

54 All of Section 5, Block M-20, G&M Survey, Potter County,  
55 Texas, containing 640 acres of land, more or less.

56 All of Section 6, Block M-20, G&M Survey, Potter County,  
57 Texas, containing 640 acres of land, more or less.

58 All of Section 7, Block M-20, G&M Survey, Potter County,  
59 Texas, containing 640 acres of land, more or less.

60 All of Section 8, Block M-20, G&M Survey, Potter County,  
61 Texas, containing 640 acres of land, more or less.

62 All of Section 9, Block M-20, G&M Survey, Potter County,  
63 Texas, containing 640 acres of land, more or less.

64 All of Section 10, Block M-20, G&M Survey, Potter County,  
65 Texas, containing 640 acres of land, more or less.

66 All of Section 11, Block M-20, G&M Survey, Potter County,  
67 Texas, containing 640 acres of land, more or less.

68 All of Section 12, Block M-20, G&M Survey, Potter County,  
69 Texas, containing 640 acres of land, more or less.

70 All of Section 13, Block M-20, G&M Survey, Potter County,

1 Texas, containing 640 acres of land, more or less.

2 All of Section 14, Block M-20, G&M Survey, Potter County,  
3 Texas, containing 627.4 acres of land, more or less.

4 All of that portion of Section 15, Block M-20, G&M Survey,  
5 Potter County, Texas lying South of the Alibates Road and East of  
6 the McBride Canyon Road, except a tract of land described as a  
7 100.00 foot strip of land out of Sections 15, 16, 30, 34 and 37,  
8 Block M-20, G&M Survey, Potter County, Texas, and Section 101,  
9 Block 46, H&TC Survey, Potter County, Texas, as described in that  
10 certain conveyance dated 10 May 1966, from Mary Miles Batson and  
11 husband, J. Ernest Batson, to the State of Texas, recorded in  
12 Volume 1036, Page 309, of the Deed Records of Potter County, Texas.

13 All of that portion of Section 16, Block M-20, G&M Survey,  
14 Potter County, Texas lying South and East of the McBride Canyon  
15 Road/Alibates Road, except a tract of land containing 15.177 acres,  
16 more or less, out of Section 16, Block M-20, G&M Survey, Potter  
17 County, Texas, as described in that certain conveyance dated 9 May  
18 1967, from Mary Miles Batson and husband, J. Ernest Batson, to the  
19 State of Texas, recorded in Volume 1059, Page 548, of the Deed  
20 Records of Potter County, Texas; AND save and except a tract of  
21 land described as a 100.00 foot strip of land out of Sections 15,  
22 16, 30, 34 and 37, Block M-20, G&M Survey, Potter County, Texas,  
23 and Section 101, Block 46, H&TC Survey, Potter County, Texas, as  
24 described in that certain conveyance dated 10 May 1966, from Mary  
25 Miles Batson and husband, J. Ernest Batson, to the State of Texas,  
26 recorded in Volume 1036, Page 309, of the Deed Records of Potter  
27 County, Texas.

28 All of Section 17, Block M-20, G&M Survey, Potter County,  
29 Texas, containing 640 acres of land, more or less.

30 All of Section 18, Block M-20, G&M Survey, Potter County,  
31 Texas, containing 640 acres of land, more or less.

32 All of Section 19, Block M-20, G&M Survey, Potter County,  
33 Texas, containing 640 acres of land, more or less.

34 All of Section 20, Block M-20, G&M Survey, Potter County,  
35 Texas, containing 640 acres of land, more or less.

36 All of Section 21, Block M-20, G&M Survey, Potter County,  
37 Texas, containing 640 acres of land, more or less.

38 All of Section 22, Block M-20, G&M Survey, Potter County,  
39 Texas, containing 640 acres of land, more or less.

40 All of Section 23, Block M-20, G&M Survey, Potter County,  
41 Texas, containing 640 acres of land, more or less.

42 All of Section 24, Block M-20, G&M Survey, Potter County,  
43 Texas, containing 636.4 acres of land, more or less.

44 All of Section 25, Block M-20, G&M Survey, Potter County,  
45 Texas, containing 636.4 acres of land, more or less.

46 All of Section 26, Block M-20, G&M Survey, Potter County,  
47 Texas, containing 640 acres of land, more or less.

48 All of that portion of Section 27, Block M-20, G&M Survey,  
49 Potter County, Texas lying West of State Highway 136, except that  
50 portion granted as a right-of-way for State Highway 136.

51 All of that portion of Section 28, Block M-20, G&M Survey,  
52 Potter County, Texas lying West of State Highway 136, except that  
53 portion granted as a right-of-way for State Highway 136.

54 All of Section 29, Block M-20, G&M Survey, Potter County,  
55 Texas, containing 640 acres of land, more or less.

56 All of that portion of Section 30, Block M-20, G&M Survey,  
57 Potter County, Texas lying South of Alibates Road, except a tract  
58 of land described as a 100.00 foot strip of land out of Sections  
59 15, 16, 30, 34 and 37, Block M-20, G&M Survey, Potter County,  
60 Texas, and Section 101, Block 46, H&TC Survey, Potter County,  
61 Texas, as described in that certain conveyance dated 10 May 1966,  
62 from Mary Miles Batson and husband, J. Ernest Batson, to the State  
63 of Texas, recorded in Volume 1036, Page 309, of the Deed Records of  
64 Potter County, Texas.

65 All of that portion of Section 31, Block M-20, G&M Survey,  
66 Potter County, Texas lying South of the Alibates Road, except a  
67 tract of land containing 2.56 acres, more or less, out of Section  
68 31, Block M-20, G&M Survey, Potter County, Texas, as described in  
69 that certain conveyance dated 24 September 1969, from Mary Miles  
70 Batson and husband, J. Ernest Batson and Joseph E. Batson, Jr. to

the United States of America, recorded in Volume 1116, Page 478, of the Deed Records of Potter County, Texas.

All of that portion of Section 34, Block M-20, G&M Survey, Potter County, Texas lying South of Alibates Road, except a tract of land described as a 100.00 foot strip of land out of Sections 15, 16, 30, 34 and 37, Block M-20, G&M Survey, Potter County, Texas, and Section 101, Block 46, H&TC Survey, Potter County, Texas, as described in that certain conveyance dated 10 May 1966, from Mary Miles Batson and husband, J. Ernest Batson, to the State of Texas, recorded in Volume 1036, Page 309, of the Deed Records of Potter County, Texas.

All of Section 35, Block M-20, G&M Survey, Potter County, Texas, containing 640 acres of land, more or less.

All of that portion of Section 36, Block M-20, G&M Survey, Potter County, Texas lying West of State Highway 136, except that portion granted as a right-of-way for State Highway 136; AND also save and except a tract of land containing 8.034 acres, more or less, out of Sections 36 and 37, Block M-20, G&M Survey, Potter County, Texas, as described in that certain conveyance dated 23 September 1952, from Mary Miles Batson and husband, J. Ernest Batson, to West Texas Gas Company, recorded in Volume 605, Page 133, of the Deed Records of Potter County, Texas; AND a tract of land containing 4.3 acres, more or less, out of Section 36, Block M-20, G&M Survey, Potter County, Texas, as described in that certain conveyance dated 15 August 1938 from Mary Miles Batson and husband, J. Ernest Batson, to Pioneer Natural Gas Company, recorded in Volume 854, Page 229, of the Deed Records of Potter County, Texas; AND two tracts of land containing 2.0 acres, more or less, and 3.7 acres, more or less, out of Section 36, Block M-20, G&M Survey, Potter County, Texas, as described in that certain conveyance dated 22 July 1939, from Julian L. Bivins to West Texas Gas Company, recorded in Volume 290, Page 446, of the Deed Records of Potter County, Texas; AND save and except a tract of land described as being 100 feet wide and 10,047.1 feet long as described in that certain conveyance dated 29 December 1928, from Lee Bivins to Potter County, State of Texas, recorded in Volume 203, Page 73, of the Deed Records of Potter County, Texas.

All of that portion of Section 37, Block M-20, G&M Survey, Potter County, Texas lying South of the Alibates Road and West of State Highway 136, except a tract of land, containing 8.034 acres, more or less, out of Sections 36 and 37, Block M-20, G&M Survey, Potter County, Texas, as described in that certain conveyance dated 23 September 1952, from Mary Miles Batson and husband, J. Ernest Batson, to West Texas Gas Company, recorded in Volume 605, Page 133, of the Deed Records of Potter County, Texas; AND save and except a tract of land described as a 100.00 foot strip of land out of Sections 15, 16, 30, 34 and 37, Block M-20, G&M Survey, Potter County, Texas, and Section 101, Block 46, H&TC Survey, Potter County, Texas, as described in that certain conveyance dated 10 May 1966, from Mary Miles Batson and husband, J. Ernest Batson, to the State of Texas, recorded in Volume 1036, Page 309, of the Deed Records of Potter County, Texas.

BLOCK 46, H&TC SURVEY, POTTER COUNTY, TEXAS:

All of that portion of Section 103, Block 46, H&TC Survey, Potter County, Texas lying South of the McBride Canyon Road, except a tract of land containing 10.1271 acres, more or less, out of Section 103, Block 46, H&TC Survey, Potter County, Texas, as described in that certain conveyance dated 9 May 1967, from Mary Miles Batson and husband, J. Ernest Batson, to the State of Texas, recorded in Volume 1059, Page 548, of the Deed Records of Potter County, Texas.

All of Section 105, Block 46, H&TC Survey, Potter County, Texas, save and except a 620.35 acre tract taken by the United States of America on July 30, 1963, by Judgment recorded in Volume 958, Page 442, Deed Records of Potter County, Texas, the remainder of said Section containing 28.87 acres of land, more or less.

All of Section 106, Block 46, H&TC Survey, Potter County, Texas, except the tract of land taken by the United States of America by Judgment dated July 30, 1963, recorded in Volume 958, Page 442, Deed Records of Potter County, Texas, the remainder of

1 said Section containing 111.99 acres of land, more or less.

2 All of Section 107, Block 46, H&TC Survey, Potter County,  
3 Texas, save and except a 586.58 acre tract taken by the United  
4 States of America on July 30, 1963, by Judgment recorded in Volume  
5 958, Page 442, Deed Records of Potter County, Texas, the remainder  
6 of said Section containing 53.42 acres of land, more or less.

7 All of Section 108, Block 46, H&TC Survey, Potter County,  
8 Texas, except a 606.96 acre tract of land taken by the United  
9 States of America by Judgment dated July 30, 1963, recorded in  
10 Volume 958, Page 442, Deed Records of Potter County, Texas, the  
11 remainder of said Section containing 33.04 acres of land, more or  
12 less.

13 J. L. SUMMERS SURVEY, POTTER COUNTY, TEXAS:

14 All of that portion of Section 1, of the J. L. Summers  
15 Survey, in Potter County, Texas lying West of State Highway 136,  
16 except that portion granted as a right-of-way for State Highway  
17 136.

18 BLOCK 1, SK&K SURVEY, POTTER COUNTY, TEXAS:

19 All of Section 22, Block 1, SK&K Survey, Potter County,  
20 Texas, containing 643.9 acres of land, more or less.

21 All of Section 23, Block 1, SK&K Survey, Potter County,  
22 Texas, containing 640 acres of land, more or less.

23 W. P. HILL SURVEY, POTTER COUNTY, TEXAS:

24 All of that portion of Section 5, W.P. Hill Survey, Potter  
25 County, Texas lying South of the McBride Canyon Road, except a  
26 tract of land out of the W. P. Hill Survey, Potter County, Texas,  
27 as described in that certain conveyance dated 9 May 1967, from Mary  
28 Miles Batson and husband, J. Ernest Batson, to the State of Texas,  
29 recorded in Volume 1059, Page 548, of the Deed Records of Potter  
30 County, Texas.

31 (c) The Parks and Wildlife Department may not purchase the  
32 land described in Subsection (b) of this section for more than an  
33 amount set by the Parks and Wildlife Commission, not to exceed the  
34 appraised value of the land as established by a member of the  
35 Appraisal Institute or an appraiser with comparable professional  
36 qualifications.

37 (d) The Parks and Wildlife Department shall pay for the land  
38 out of the game, fish, and water safety fund on approval of title  
39 by the attorney general.

40 SECTION 15. NOTICE OF PURCHASE. (a) The Parks and Wildlife  
41 Department shall notify the General Land Office when the department  
42 has purchased 95 percent of the land described by Section 14 of  
43 this Act.

44 (b) The Parks and Wildlife Department shall publish in the  
45 Texas Register, not later than the 30th day after the purchase of  
46 95 percent of the land described by Section 14 of this Act has been  
47 made, notice of that purchase.

48 SECTION 16. APPROPRIATION. An amount not to exceed the  
49 appraised value of the land described by Section 14 of this Act is  
50 appropriated from the balance of the game, fish, and water safety  
51 fund not otherwise appropriated to the Parks and Wildlife  
52 Department for the biennium ending August 31, 1991, for the sole  
53 purchase of that land. The appropriation made by this section  
54 expires August 31, 1991.

55 SECTION 17. AMENDMENT. Chapter 82, Parks and Wildlife Code,  
56 is amended by adding Subchapter P to read as follows:

57 SUBCHAPTER P. ALIBATES RANCH WILDLIFE MANAGEMENT AREA

58 Sec. 82.791. ESTABLISHMENT. The Alibates Ranch Wildlife  
59 Management Area is established under the jurisdiction of the  
60 department on that land located along and in the vicinity of the  
61 Canadian River in Potter County authorized to be purchased and more  
62 specifically described in S.B. No. 57 or H.B. No. \_\_, Acts of the  
63 71st Legislature, 3rd Called Session, 1990.

64 Sec. 82.792. DISPOSITION OF PROCEEDS OF SAND AND GRAVEL SALE  
65 AND GRAZING LEASES. (a) If sand and gravel are sold from the  
66 Alibates Ranch Wildlife Management Area, proceeds or royalty  
67 payments from the sale shall be deposited in the game, fish, and  
68 water safety fund.

69 (b) If grazing rights are leased on the Alibates Ranch  
70 Wildlife Management Area under Section 12.008 of this code,

1 proceeds from the lease shall be used to improve that wildlife  
2 management area.

3 SECTION 18. EFFECTIVE DATE. (a) Except as provided by  
4 Subsection (b) of this section, this Act takes effect on July 1,  
5 1990.

6 (b) Section 17 of this Act takes effect on the date of  
7 publication in the Texas Register that 95 percent of the property  
8 described in Section 14 of this Act has been purchased.

9 SECTION 19. EMERGENCY. The importance of this legislation  
10 and the crowded condition of the calendars in both houses create an  
11 emergency and an imperative public necessity that the  
12 constitutional rule requiring bills to be read on three several  
13 days in each house be suspended, and this rule is hereby suspended.

14 \* \* \* \* \*

15 Austin, Texas  
16 March 21, 1990

17 Hon. William P. Hobby  
18 President of the Senate

19 Sir:

20 We, your Committee on Natural Resources to which was referred S.B.  
21 No. 57, have had the same under consideration, and I am instructed  
22 to report it back to the Senate with the recommendation that it do  
23 pass, as amended, and be printed.

24 Santiesteban, Chairman

# SENATE FAVORABLY AS AMENDED COMMITTEE REPORT

Lt. Governor William P. Hobby  
President of the Senate

51  
3-20-90 10:11am  
(date)/(time)

Sir:

We, your Committee on NATURAL RESOURCES to which was referred  
SB 57 by Bivins have on March 20, 1990, had the same  
(measure) (sponsor) (hearing date)

under consideration and I am instructed to report it back with the recommendation (s) that it

- ( ) do pass with 2 amendments, and be printed  
( ) do pass as amended, and be ordered not printed  
( ) and is recommended for placement on the Local and Uncontested Bills Calendar.

A fiscal note was requested. ☒ yes ( ) no

A revised fiscal note was requested. ☒ yes ( ) no

An actuarial analysis was requested. ( ) yes ( ) no

Considered by subcommittee. ( ) yes ( ) no

Senate Sponsor of House Measure \_\_\_\_\_

The measure was reported from Committee by the following vote:

	YEA	NAY	PNV	ABSENT
Santiesteban, Chairman	<input checked="" type="checkbox"/>			
Lyon, Vice Chairman		<input checked="" type="checkbox"/>		
Armbrister	<input checked="" type="checkbox"/>			
Bivins	<input checked="" type="checkbox"/>			
Brown	<input checked="" type="checkbox"/>			
Carriker			<input checked="" type="checkbox"/>	
Montford			<input checked="" type="checkbox"/>	
Ratliff	<input checked="" type="checkbox"/>			
Sims	<input checked="" type="checkbox"/>			
Uribe				<input checked="" type="checkbox"/>
Zaffirini	<input checked="" type="checkbox"/>			
TOTAL VOTES	<u>7</u>	<u>1</u>	<u>2</u>	<u>1</u>

  
COMMITTEE CLERK

  
CHAIRMAN

**LEGISLATIVE BUDGET BOARD**  
Austin, Texas

**FISCAL NOTE**

March 21, 1990

<b>TO:</b> Honorable H. Tati Santiesteban, Chairman Committee on Natural Resources Senate Chamber Austin, Texas	<b>IN RE:</b> Senate Bill No. 57, as amended Third Called Session By: Bivins
---	---

**FROM:** Jim Oliver, Director

In response to your request for a Fiscal Note on Senate Bill No. 57, as amended, Third Called Session (relating to property rights in, and the establishment of a wildlife management area along and in the vicinity of, the Canadian River bed; making an appropriation) this office has determined the following:

The bill would appropriate to the Parks and Wildlife Department out of the Game, Fish, and Water Safety Fund No. 009 for the biennium ending August 31, 1991 an amount not to exceed the appraised value of the land authorized to be purchased by the bill. This amount is estimated to be \$4.5 million. The bill would authorize the purchase of the land and the establishment of a recreational and wildlife management area to be known as the Alibates Ranch Wildlife Management Area.

Certain riparian land-owners on the Canadian River in Potter and Carson Counties would have a preferential right to purchase a qualified tract that abuts the owner's riparian tract. It has been estimated that \$1.5 million would be deposited to the Game, Fish, and Water Safety Fund from the sale of such land. The General Land Office would appraise qualified tracts of land to determine the fair market value of each.

The bill also provides for the deposit of proceeds from sand and gravel sales from the Alibates Ranch Wildlife Management Area to the Game, Fish, and Water Safety Fund. Revenue from these sales is estimated to be \$100,000 per year.

The Parks and Wildlife Department anticipates some additional costs for maintenance or oversight of the land but these costs cannot be determined.

The fiscal implications to units of local government cannot be determined.

**Source:** Parks and Wildlife Department;  
LBB Staff: JO, JWH, AL, JG, PA

LEGISLATIVE BUDGET BOARD  
Austin, Texas

FISCAL NOTE

March 20, 1990

TO: Honorable H. Tati Santiesteban,  
Chairman  
Committee on Natural Resources  
Senate Chamber  
Austin, Texas

IN RE: Senate Bill No. 57,  
Third Called Session  
By: Bivins

FROM: Jim Oliver, Director

In response to your request for a Fiscal Note on Senate Bill No. 57, Third Called Session (relating to property rights in, and the establishment of a wildlife management area along and in the vicinity of, the Canadian River bed; making an appropriation) this office has determined the following:

The bill would appropriate to the Parks and Wildlife Department out of the Game, Fish, and Water Safety Fund No. 009 for the biennium ending August 31, 1991 an amount not to exceed the appraised value of the land authorized to be purchased by the bill. This amount is estimated to be \$4.5 million. The bill would authorize the purchase of the land and the establishment of a recreational and wildlife management area to be known as the Alibates Ranch Wildlife Management Area.

Certain riparian land-owners on the Canadian River in Potter and Carson Counties would have a preferential right to purchase a qualified tract that abuts the owner's riparian tract. It has been estimated that \$1.5 million would be deposited to the Game, Fish, and Water Safety Fund from the sale of such land. The General Land Office would appraise qualified tracts of land to determine the fair market value of each.

The bill also provides for the deposit of proceeds from sand and gravel sales from the Alibates Ranch Wildlife Management Area to the Game, Fish, and Water Safety Fund. Revenue from these sales is estimated to be \$100,000 per year.

The Parks and Wildlife Department anticipates some additional costs for maintenance or oversight of the land but these costs cannot be determined.

The fiscal implications to units of local government cannot be determined.

Source: Parks and Wildlife Department;  
LBB Staff: JO, JWH, AL, JG, LV

## A BILL TO BE ENTITLED

AN ACT: relating to property rights in, and the establishment of a wildlife management area along and in the vicinity of, the Canadian River bed; making an appropriation.

Filed with the Secretary of the Senate

MAR 15 1990

## NATURAL RESOURCES

Read and referred to Committee on

MAR 21 1990

Reported favorably

*as amended*

Reported adversely, with favorable Committee Substitute; Committee Substitute read first time.

Ordered not printed

Laid before the Senate

Senate and Constitutional Rules to permit consideration suspended by:

unanimous consent

\_\_\_\_ years, \_\_\_\_ nays

Read second time, \_\_\_\_\_, and ordered engrossed by:

unanimous consent  
a viva voce vote

\_\_\_\_ years, \_\_\_\_ nays

Caption ordered amended to conform to the body of the bill.

Senate and Constitutional 3 Day Rule suspended by a vote of \_\_\_\_ yeas, \_\_\_\_ nays.

Read third time, \_\_\_\_\_, and passed by \_\_\_\_ yeas, \_\_\_\_ nays.

## SECRETARY OF THE SENATE

## OTHER ACTION:

Engrossed

Sent to House

Engrossing Clerk

Received from the Senate

Read first time and referred to Committee on

Reported favorably amended, sent to Printer at

Printed and Distributed

Sent to Committee on Calendars

Read Second time (amended): passed to third reading (failed)

by (Non-Record Vote) Record Vote of \_\_\_\_ yeas, \_\_\_\_ nays \_\_\_\_ present not voting.

Constitutional Rule requiring bills to be read on three several days suspended (failed to suspend) by a four-fifths vote of \_\_\_\_ yeas, \_\_\_\_ nays \_\_\_\_ present not voting.

Read third time (amended); finally passed (failed) by a (Non-Record Vote) Record Vote of

\_\_\_\_ yeas, \_\_\_\_ nays \_\_\_\_ present not voting.

Caption ordered amended to conform to body of bill.

Returned to Senate.

## CHIEF CLERK OF THE HOUSE

Returned from House without amendment.

Returned from House with \_\_\_\_ amendments.

Concurred in House amendments by a viva voce vote \_\_\_\_ yeas, \_\_\_\_ nays.

\_\_\_\_\_ Refused to concur in House amendments and requested the appointment of a Conference Committee to adjust the differences.

\_\_\_\_\_ Senate conferees instructed.

\_\_\_\_\_ Senate conferees appointed: \_\_\_\_\_, Chairman; \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, and \_\_\_\_\_

\_\_\_\_\_ House granted Senate request. House conferees appointed: \_\_\_\_\_, Chairman; \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_ Conference Committee Report read and filed with the Secretary of the Senate.

\_\_\_\_\_ Conference Committee Report adopted on the part of the House by: \_\_\_\_\_

{ a viva voce vote  
\_\_\_\_\_ yeas, \_\_\_\_\_ nays

\_\_\_\_\_ Conference Committee Report adopted on the part of the Senate by: \_\_\_\_\_

{ a viva voce vote  
\_\_\_\_\_ yeas, \_\_\_\_\_ nays

OTHER ACTION:

\_\_\_\_\_ Recommitted to Conference Committee

\_\_\_\_\_ Conferees discharged .

\_\_\_\_\_ Conference Committee Report failed of adoption by: \_\_\_\_\_

{ a viva voce vote  
\_\_\_\_\_ yeas, \_\_\_\_\_ nays

21X